of the Ministry of Water Resources, Central Water Commission and States of Tamil Nadu and Kerala. The States of Tamil Nadu & Kerala reiterated their respective stands in the meeting. They have also agreed to discuss the issue further in a meeting under the auspices of Hon'ble Union Minister (WR) with the Ministers (WR/PW) from the States of Tamil Nadu and Kerala.

(c) Chief Minister of Kerala made a statement in the meeting that proposal of Government of Kerala to have a new dam as a replacement to the old dam would provide water to the people of Tamil Nadu and remove the shadow of fear from the minds of people of Kerala.

(d)As decided in the meeting on 29.11.2006, Union Minister for Water Resources convened another inter-State meeting on 18.12.2006 of Minister of (PW/WR) of Tamil Nadu and Kerala in which no solution acceptable to both the States emerged.

Cauvery river water disputes tribunal

1626. SHRI JANARDHANA POOJARY: Will the Minister of WATER RESOURCES be pleased to state:

(a) whether recently the Cauvery River Water Disputes Tribunal announced its final order;

(b) if so, the details thereof;

(c) whether Karnataka feels let-down by the Tribunal's verdict over sharing of water of Cauvery River between Karnataka and Tamil Nadu, the major parties to the dispute, since a lion's share of the water goes to Tamil Nadu to the detriment of Karnataka;

(d) if so, the details thereof;

(e) whether the Central Government is considering to bring all parties to the dispute to a round table to resolve the issue amicably through discussion with an open mind; and

(f) if so, the details thereof and, if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI JAY PRAKASH NARAYAN YADAV): (a) Yes, Sir. The Cauvery Water Disputes Tribunal submitted report and decision under

section5(2) of Inter State River Water Disputes (ISRWD) Act 1956 on 5th February, 2007.

(b) A statement is attached. (See below)

(c) Reaction of State of Karnataka has not been received in the Ministry of Water Resources.

(d) Do not arise.

(e) and (f) No such proposal is under consideration in view of provision under section 5(3) of ISRWD Act, i.e. "If, upon consideration of the decision of the Tribunal, the Central Government or any State Government is of opinion that anything therein contained requires explanation or that guidance is needed Upon any point not originally referred to the Tribunal, the Central Government or the State Government, as the case may be, within three months from the date of the decision, again refer the matter to the Tribunal for further consideration, and on such reference, the Tribunal may forward to the Central Government a further report within one year from the date of such reference giving such explanation or guidance as it deems fit and in such a case, the decision of the Tribunal shall be deemed to be modified accordingly."

Statement

Copy of the final order of Cauvery River Water Disputes Tribunal

Final Order

Clause-I

This order shall come into operation on the date of publication of the decision of this Tribunal in the official gazette under Section 6 of the Inter-State Water Disputes Act, 1956 as amended from time to time.

Clause-ll

Agreement of the years 1892 and 1924:

The Agreements of the years 1892 and 1924 which were executed between the then Governments of Mysore and Madras cannot be held to be invalid, specially after a lapse of about more than 110 and 80 years respectively. Before the execution of the two agreements, there was full

consultation between the then Governments of Madras and Mysore. However, the agreement of 1924 provides for review of some of the clauses after 1974. Accordingly, we have reviewed and re-examined various provisions of the agreement on the principles of just and equitable apportionment.

Clause-Ill

This order shall supersede-M

(i) The agreement of 1892 between the then Government of Madras and the Government of Mysore so far as it related to the Cauvery river system.

(ii) The agreement of 1924 between the then Government of Madras and the Government of Mysore so far as it related to the Cauvery river system.

Clause-IV

The Tribunal hereby determines that the utilisable quantum of waters of the Cauvery at Lower Coleroon Anicut site on the basis of 50% dependability to be 740 thousand million cubic feet-TMC (20,954 M.cu.m.)

Clause-V

The Tribunal hereby order that the waters of the river Cauvery be allocated in three States of Kerala, Karnataka and Tamil Nadu and U.T. of Pondicherry for their beneficial uses as mentioned hereunder:—

(i) The State of Kerala	-	40 TMC
(ii) The State of Karnataka	-	270 TMC
(iii) The State of Tamil Nadu	-	419 TMC
(iv) U.T. of Pondicherry	-	7TMC(
		726 TMC

In addition, we reserve some quantity of water for (i) environmental protection and (ii) inevitable escapages into the sea as under:—

(i) Quantity reserved for environmental protection.	-	10 TMC

ii) Quantity determined for inevitable escapages into the sea.	-	4 TMC 14 TMC
Total (726+14)		740 TMC

Clause-VI

The State of Kerala has been allocated a total share of 30 TMC, the distribution of which in different tributary basins is as under:

(i) Kabini sub-basin	-	21 TMC
(ii) Bhavani sub-basin	-	6 TMC
(iii) Pambar sub-basin	-	3 TMC

Clause-VII

In case the yield of Cauvery basin is less in a distress year, the allocated shares shall be proportionately reduced among the States of Kerala, Karnataka, Tamil Nadu and Union Territory of Pondicherry.

Clause-VIII

The following inter-State contact points are identified for monitoring the water deliveries:

(i) Between Kerala and Karnataka : Kabini reservoir site (ii)

Between Kerala and Tamil Nadu

a) For Bhavani sub-basin: Chavadiyoor CD. site

It is reported that Chavadiyoor G.D. Site was being earlier operated by the State of Kerala which could be revived for inter-State observations.

b) For Pambar sub-basin: Amaravathy reservoir site

(iii) Between Karnataka and Tamil Nadu: other site on common border	Billigundulu G.D. site/ any
(iv) Between Tamil Nadu and Pondicherry	Seven contact points as already in operation

Clause-IX

Since the major shareholders in the Cauvery waters are the States of Karnataka and Tamil Nadu, we order the tentative monthly deliveries during a normal year to be made available by the State of Karnataka at

the inter-State contact point presently identified as Billigundulu gauge and discharge station located on the common border as under:—

Month	TMC	Month	TMC
June	10	December	8
July	34	January	3
August	50	February	2.5
September	40	March	2.5
October	22	April	2.5
November	15	May	2.5
			192 TMC

The above quantum of 192 TMC of water comprises of 182 TMC from the allocated share of Tamil Nadu and 10 TMC of water allocated for environmental purposes.

The above monthly releases shall be broken in 10 daily intervals by the Regulatory Authority.

The Authority shall properly monitor the working of monthly schedule with the help of the concerned States and Central Water Commission for a period of five years and if any modification/adjustment is needed in the schedule thereafter, it may be worked out in consultation with the party States and help of Central Water Commission for future adoption without changing the annual allocation amongst the parties.

Clause-X

The available utilisable waters during a water year will include the waters carried over the from the previous water year as assessed on the 1st of June on the basis of stored waters available on that date in all the reservoirs with effective storage capacity of 3 TMC and above.

Clause-XI

Any upper riparian State shall not take any action so as to affect the scheduled deliveries of water to the lower riparian States. However, the States concerned can by mutual agreement and in consultation with the Regulatory Authority make any amendment in the pattern of water deliveries.

Clause-XII

The use of underground waters by any riparian State and U.T. of Pondicherry shall not be recknoed as use of the water of the river Cauvery.

The above declaration shall not in any way alter the rights, if any, under the law for the time being in force, of any private individuals, bodies or authorities.

Clause-XIII

The States of Karnataka and Tamil Nadu brought to our notice that a few hydro-power projects in the common reach boundary are being negotiated with the National Hydro-Power Corporation (NHPC). In this connection, we have only to observe that whenever any such hydro-power project is constructed and Cauvery waters are stored in the reservoir, the pattern of downstream releases should be consistent with our order so that the irrigation requirements are not jeopardized.

Clause-XIV

Use of water shall be measured by the extent of its depletion of the water of the river Cauvery including its tributaries in any manner whatsoever; the depletion would also include the evaporation tosses from the reservoirs. The storage in any reservoir across any stream of the Cauvery river system except the annual evaporation losses shall form part of the available water. The water diverted from any reservoir by a State for its own use during any water year shall be reckoned as use by the State in that water year. The measurement for domestic and municipal water supply, as also the industrial use shall be made in the manner indicated below:—

Use	Measurement
Domestic and municipal Water supply	By 20 per cent of the quantity of water diverted or lifted from the river or any of its tributaries or from any reservoir, storage or canal.'
Industrial use	By 2.5 per cent of the quantity of water diverted or lifted from the river or any of its tributaries or from any reservoir, storage or canal.

Clause-XV

If any riparian State of U.T. of Pondicherry is not able to make use of any portion of its alloted share during any month in a particular water year and requests for its storage in the designated reservoirs, it shall be at liberty to make use of its unutilized share in any other subsequent month during the same water year provided this arrangement is approved by the Implementing Authority.

Clause-XVI

Inability of any State to make use of some portion of the water allocated to it during any water year shall not constitute forfeiture or abandonment of its share of water in any subsequent wafer year not shall it increase the share of other State in the subsequent year if such State has used that water.

Clause-XVII

In addition, note shall be taken of all such orders, directions, recommendations, suggestions etc, which have been detailed earlier in different chapters/volumes of the report with decision for appropriate action.

Clause-XVIII

Nothing in the order of this Tribunal shall impair the right or power or authority of any State to regulate within its boundaries the use of water, or to enjoy the benefit of waters within the State in a manner not inconsistent with the order of this Tribunal.

Clause-XIX

In this order,

(a) "Normal year" shall mean a year in which the total yield of the Cauvery basin is 740 TMC.

(b) Use of the water of the river Cauvery by any person or entity of any nature whatsoever, within the territories of a State shall be reckoned as use by that State.

(c) The expression "water year" shall mean the year commencing on 1st June and ending on 31st May.

(d) The "irrigation season" shall mean the season commencing on 1st June and ending on 31st January of the next year.

(e) The expression "Cauvery river" includes the main stream of the Cauvery river, all its tributaries and all other streams contributing water directly or indirectly to the Cauvery river.

(f) The expression "TMC" means thousand million cubic feet of water.

Clause-XX

Nothing contained herein shall prevent the alternation, amendment or modification of all or any of the foregoing clauses by agreement between the parties.

Glause-XXI

The State Governments of Kerala, Karnataka, Tamil Nadu and Union Territory of Pondicherry shall bear the expenses of the Tribunal in the ratio of 15:40:40:5. However, these parties shall bear their own costs before this Tribunal.

Water Sharing Disputes Between Tamil Nadu and Karnataka

1627. SHRI AMAR SINGH:
SHRI ABU ASIM AZMI:

Will the Minister of WATER RESOURCES be pleased to state:

(a) whether the Cauvery Water. Dispute Tribunal has recently delivered its final award on the water sharing disputes between Tamil Nadu, Karnataka and some other States;

(b) if so, what are the salient features of the award; and

(c) whether Government's attention has been drawn to the strong resentment of the State Government of Karnataka and if so, what is Government's reaction in regard thereto?

THE MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI JAY PRAKASH NARAYAN YADAV): (a) Yes Sir, The Cauvery Water Disputes Tribunal submitted report and decision under section 5(2) of Inter State River Water Disputes (ISRWD) Act 1956 on 5th February, 2007.